

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00098-APM

STORY OF STUFF PROJECT et al v. UNITED STATES
 FOREST SERVICE
 Assigned to: Judge Amit P. Mehta
 Cause: 05:552 Freedom of Information Act

Date Filed: 01/13/2017
 Jury Demand: None
 Nature of Suit: 895 Freedom of
 Information Act
 Jurisdiction: U.S. Government Defendant

Plaintiff

STORY OF STUFF PROJECT

represented by **Rachel Doughty**
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Plaintiff

COURAGE CAMPAIGN INSTITUTE

represented by **Rachel Doughty**
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Matt Kenna
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V.

Defendant

**UNITED STATES FOREST
 SERVICE**

represented by **William Mark Nebeker**
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Date Filed	#	Docket Text
01/13/2017	<u>1</u>	COMPLAINT against UNITED STATES FOREST SERVICE (Filing fee \$ 400 receipt number 0090-4806909) filed by Story of Stuff Project, Courage Campaign Institute. (Attachments: # <u>1</u> Summons Civil Process Clerk, # <u>2</u> Summons Attorney General, # <u>3</u> Summons U.S. Forest Service)(Kenna, Matt) (Entered: 01/13/2017)
01/13/2017	<u>2</u>	Corporate Disclosure Statement by Story of Stuff Project. (Kenna, Matt) (Entered: 01/13/2017)
01/13/2017	<u>3</u>	Corporate Disclosure Statement by Courage Campaign Institute. (Kenna, Matt) (Entered: 01/13/2017)
01/17/2017	<u>4</u>	CIVIL COVER SHEET by STORY OF STUFF PROJECT, COURAGE CAMPAIGN INSTITUTE re <u>1</u> Complaint, filed by STORY OF STUFF PROJECT, COURAGE CAMPAIGN INSTITUTE. Related document: <u>1</u> Complaint, filed by STORY OF STUFF PROJECT, COURAGE CAMPAIGN INSTITUTE.(Kenna, Matt) (Entered: 01/17/2017)
01/17/2017		Case Assigned to Judge Amit P. Mehta. (zsb) (Entered: 01/17/2017)
01/17/2017	<u>5</u>	SUMMONS (3) Issued Electronically as to UNITED STATES FOREST SERVICE, U.S. Attorney and U.S. Attorney General (Attachments # <u>1</u> Consent Form)(zsb) (Entered: 01/17/2017)
01/31/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/24/2017. Answer due for ALL FEDERAL DEFENDANTS by 2/23/2017. (Attachments: # <u>1</u> Proof of Servvce)(Kenna, Matt) (Main Document 6 replaced on 2/1/2017) (jf). (Entered: 01/31/2017)
01/31/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 1/23/2017. (Attachments: # <u>1</u> Proof of Service)(Kenna, Matt) (Entered: 01/31/2017)
01/31/2017	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES FOREST SERVICE served on 1/23/2017 (Attachments: # <u>1</u> Proof of Service)(Kenna, Matt) (Entered: 01/31/2017)
02/22/2017	<u>9</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 02/22/2017)
02/22/2017		MINUTE ORDER granting Defendant's <u>9</u> Unopposed Motion for Extension of Time to File an Answer. Defendant's responsive pleading shall now be due on or before April 14, 2017. Signed by Judge Amit P. Mehta on 02/22/2017. (lcapm1) (Entered: 02/22/2017)
02/22/2017		Set/Reset Deadlines/Hearings: Responsive pleading due by 4/14/2017. (cdw) (Entered: 02/23/2017)
04/13/2017	<u>10</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 04/13/2017)
04/14/2017		MINUTE ORDER granting Defendant's <u>10</u> Unopposed Motion for Extension of Time to File an Answer. Defendant's responsive pleading shall now be due on or before May 16, 2017. Signed by Judge Amit P. Mehta on 04/14/2017. (lcapm1) (Entered: 04/14/2017)
04/14/2017		Set/Reset Deadlines/Hearings: Answer to Complaint due by 5/16/2017. (cdw) (Entered: 04/18/2017)
05/16/2017	<u>11</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Text of Proposed

		Order)(Nebeker, William) (Entered: 05/16/2017)
05/17/2017		MINUTE ORDER granting Defendant's <u>11</u> Unopposed Motion for Extension of Time. Defendant's responsive pleading is now due on or before June 15, 2017. Signed by Judge Amit P. Mehta on 05/17/2017. (lcapm1) (Entered: 05/17/2017)
05/17/2017		Set/Reset Deadlines/Hearings: Answer to Complaint due by 6/15/2017. (zcdw) (Entered: 05/18/2017)
06/14/2017	<u>12</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 06/14/2017)
06/16/2017		MINUTE ORDER granting Defendant's <u>12</u> Unopposed Motion for Extension of Time. Defendant's responsive pleading is now due on or before June 20, 2017. Signed by Judge Amit P. Mehta on 06/16/2017. (lcapm1) (Entered: 06/16/2017)
06/16/2017		Set/Reset Deadlines/Hearings: Responsive pleading due by 6/20/2017. (cdw) (Entered: 06/19/2017)
06/20/2017	<u>13</u>	ANSWER to Complaint by UNITED STATES FOREST SERVICE.(Nebeker, William) (Entered: 06/20/2017)
06/20/2017	<u>14</u>	ORDER: Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before July 7, 2017. See the attached Order for additional details. Signed by Amit P. Mehta on 06/20/2017. (lcapm1) (Entered: 06/20/2017)
06/20/2017		Set/Reset Deadlines/Hearings: Joint Status Report due by 7/7/2017. (cdw) (Entered: 06/20/2017)
07/06/2017	<u>15</u>	Joint STATUS REPORT by UNITED STATES FOREST SERVICE. (Nebeker, William) (Entered: 07/06/2017)
07/10/2017		MINUTE ORDER: Upon consideration of the parties' <u>15</u> July 6, 2017, Joint Status Report, the parties are directed to file another Joint Status Report, on or before September 14, 2017, which updates the court of their progress and, if necessary, proposes a briefing schedule for summary judgment. Signed by Judge Amit P. Mehta on 07/10/2017. (lcapm1) (Entered: 07/10/2017)
07/10/2017		Set/Reset Deadlines/Hearings: Joint Status Report due by 9/14/2017. (zcdw) (Entered: 07/11/2017)
09/14/2017	<u>16</u>	Joint STATUS REPORT by COURAGE CAMPAIGN INSTITUTE, STORY OF STUFF PROJECT. (Attachments: # <u>1</u> Text of Proposed Order)(Kenna, Matt) (Entered: 09/14/2017)
09/14/2017	<u>17</u>	ORDER setting the schedule for further proceedings in this matter: (1) On or before October 2, 2017, Plaintiffs shall identify, by e-mail to counsel for Defendant, which withholdings and redactions they may want to challenge; (2) Defendant shall file a Vaughn Index for those documents on or before October 20, 2017; (3) On or before November 1, 2017, Plaintiffs shall identify which documents they wish to pursue in summary judgment; (4) Defendant shall file its Motion for Summary Judgment on or before December 1, 2017; (5) Plaintiffs shall file their Cross-Motion for Summary Judgment and Opposition to Defendant's Motion on or before December 29, 2017; (6) Defendant shall file its Reply and Opposition to Plaintiffs' Motion for Summary Judgment on or before January 19, 2018; and (7) Plaintiffs shall file their Reply on or before February 2, 2018. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 09/14/2017. (lcapm1) (Entered: 09/14/2017)
09/14/2017		Set/Reset Deadlines/Hearings: Vaughn Index due by 10/20/2017. Defendants Summary Judgment motion due by 12/1/2017. Response to Motion for Summary Judgment due by 12/29/2017. Reply to Motion for Summary Judgment due by 1/18/2018. Plaintiffs Cross Motion due by 12/29/2017. Response to Cross Motion due by 1/19/2018. Reply to Cross Motion due by 2/2/2018. (zcdw) (Entered: 09/15/2017)
10/19/2017	<u>18</u>	NOTICE of Appearance by Rachel Doughty on behalf of All Plaintiffs (Doughty, Rachel) (Main Document 18 replaced on 10/20/2017) (znmw). (Entered: 10/19/2017)

12/01/2017	<u>19</u>	MOTION for Summary Judgment by UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Declaration Rush, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C (Vaughn Index), # <u>5</u> Text of Proposed Order)(Nebeker, William) (Entered: 12/01/2017)
12/29/2017	<u>20</u>	MOTION for Summary Judgment <i>including Statement of Material Facts & Memorandum in Support</i> by COURAGE CAMPAIGN INSTITUTE, STORY OF STUFF PROJECT (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Text of Proposed Order)(Kenna, Matt) (Entered: 12/29/2017)
12/29/2017	<u>21</u>	RESPONSE re <u>19</u> MOTION for Summary Judgment filed by COURAGE CAMPAIGN INSTITUTE, STORY OF STUFF PROJECT. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Text of Proposed Order)(Kenna, Matt) (Entered: 12/29/2017)
01/17/2018	<u>22</u>	Unopposed MOTION for Extension of Time to File Response/Reply by UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 01/17/2018)
01/17/2018		MINUTE ORDER granting Defendant's <u>22</u> Unopposed Motion for Extension of Time to File Response/Reply. Defendant's Reply and Opposition to Plaintiffs' Cross-Motion for Summary Judgment shall now be due on or before February 9, 2018, and Plaintiffs' Reply shall be due on or before February 23, 2018. Signed by Judge Amit P. Mehta on 01/17/2018. (lcapm1) (Entered: 01/17/2018)
01/17/2018		Set/Reset Deadlines/Hearings: Defendant's Reply to Motion for Summary Judgment due by 2/9/2018. Response to Cross Motion due by 2/9/2018. Reply to Cross Motion due by 2/23/2018. (zcdw) (Entered: 01/18/2018)
02/09/2018	<u>23</u>	Memorandum in opposition to re <u>20</u> MOTION for Summary Judgment <i>including Statement of Material Facts & Memorandum in Support</i> filed by UNITED STATES FOREST SERVICE. (Attachments: # <u>1</u> Declaration Lawrence, # <u>2</u> Declaration Rush, # <u>3</u> Exhibit Attachments to 2d Rush Decl., # <u>4</u> Text of Proposed Order)(Nebeker, William) (Entered: 02/09/2018)
02/09/2018	<u>24</u>	REPLY to opposition to motion re <u>19</u> MOTION for Summary Judgment (<i>same as ECF No. 23, see ECF 23 for attachments</i>) filed by UNITED STATES FOREST SERVICE. (Nebeker, William) (Entered: 02/09/2018)
02/23/2018	<u>25</u>	ERRATA re ECF ## 20, 21, 20-1, 21-1 by COURAGE CAMPAIGN INSTITUTE, STORY OF STUFF PROJECT <u>20</u> MOTION for Summary Judgment <i>including Statement of Material Facts & Memorandum in Support</i> filed by STORY OF STUFF PROJECT, COURAGE CAMPAIGN INSTITUTE. (Attachments: # <u>1</u> Corrected Summary Judgment Motion/Memo, # <u>2</u> Corrected Declaration of Amanda Fox)(Kenna, Matt) (Entered: 02/23/2018)
02/23/2018	<u>26</u>	REPLY to opposition to motion re <u>19</u> MOTION for Summary Judgment , <u>20</u> MOTION for Summary Judgment <i>including Statement of Material Facts & Memorandum in Support</i> filed by COURAGE CAMPAIGN INSTITUTE, STORY OF STUFF PROJECT. (Kenna, Matt) (Entered: 02/23/2018)
09/27/2018	<u>27</u>	MEMORANDUM OPINION and ORDER granting in part and denying in part Defendant's <u>19</u> Motion for Summary Judgment and denying Plaintiffs' <u>20</u> <u>25</u> Cross-Motion for Summary Judgment. The parties shall meet and confer and, no later than October 10, 2018, propose a schedule for an additional round of summary judgment briefing. See the attached Memorandum Opinion and Order for details. Signed by Judge Amit P. Mehta on 09/27/2018. (lcapm3) (Entered: 09/27/2018)
09/27/2018		Set/Reset Deadlines: Proposed Briefing Schedule due by 10/10/2018. (zjd) (Entered: 09/28/2018)
10/10/2018	<u>28</u>	Joint STATUS REPORT by COURAGE CAMPAIGN INSTITUTE, STORY OF STUFF PROJECT. (Attachments: # <u>1</u> Text of Proposed Order)(Kenna, Matt) (Entered: 10/10/2018)
10/11/2018		MINUTE ORDER. Upon consideration of the parties' <u>28</u> Joint Status Report, the parties are directed to file another Joint Status Report, on or before October 24, 2018,

		that updates the court on their progress toward settlement. Signed by Judge Amit P. Mehta on 10/11/2018. (lcapm1) (Entered: 10/11/2018)
10/11/2018		Set/Reset Deadlines: Joint Status Report due by 10/24/2018. (zjd) (Entered: 10/11/2018)
10/24/2018	<u>29</u>	Joint STATUS REPORT by COURAGE CAMPAIGN INSTITUTE, STORY OF STUFF PROJECT. (Attachments: # <u>1</u> Text of Proposed Order)(Kenna, Matt) (Entered: 10/24/2018)
10/25/2018		MINUTE ORDER entering the briefing schedule proposed in the parties' <u>29</u> Joint Status Report. The schedule for further proceedings in this matter is as follows: (1) Defendant's Motion for Summary Judgment is due on or before December 3, 2018; (2) Plaintiffs' Opposition to Defendant's Motion and Cross-Motion for Summary Judgment is due on or before January 7, 2019; (3) Defendant's Reply in Support of Summary Judgment and Opposition to Plaintiffs' Cross-Motion for Summary Judgment is due on or before January 29, 2019; and (4) Plaintiffs' Reply in Support of their Cross-Motion for Summary Judgment is due on or before February 12, 2019. Signed by Judge Amit P. Mehta on 10/25/2018. (lcapm1) (Entered: 10/25/2018)
10/25/2018		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 12/3/2018. Plaintiff's Opposition and Cross-Motion for Summary Judgment due by 1/7/2019. Defendant's Reply and Opposition due by 1/29/2019. Plaintiff's Reply due by 2/12/2019. (zjd) (Entered: 10/25/2018)
12/03/2018	<u>30</u>	Consent MOTION for Extension of Time to <i>File Defendant's Motion for Summary Judgment</i> by UNITED STATES FOREST SERVICE (Adebonojo, Kenneth) (Entered: 12/03/2018)
12/04/2018		MINUTE ORDER granting Defendant's <u>30</u> Consent Motion to Enlarge Time to File Defendant's Motion for Summary Judgment. Defendant's Motion for Summary Judgment is now due on or before December 7, 2018; (2) Plaintiffs' Opposition to Defendant's Motion and Cross-Motion for Summary Judgment is now due on or before January 11, 2019; (3) Defendant's Reply in Support of Summary Judgment and Opposition to Plaintiffs' Cross-Motion for Summary Judgment is now due on or before February 3, 2019; and (4) Plaintiffs' Reply in Support of their Cross-Motion for Summary Judgment is now due on or before February 16, 2019. Signed by Judge Amit P. Mehta on 12/04/2018. (lcapm1) (Entered: 12/04/2018)
12/04/2018		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 12/7/2018. Plaintiffs' Opposition and Cross-Motion for Summary Judgment due by 1/11/2019. Defendant's Reply and Opposition due by 2/3/2019. Plaintiff's Reply due by 2/16/2019. (zjd) (Entered: 12/06/2018)
12/07/2018	<u>31</u>	MOTION for Summary Judgment by UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Declaration Larry Lawrence, # <u>4</u> Declaration Latanga Rush)(Adebonojo, Kenneth) (Entered: 12/07/2018)
01/11/2019	<u>32</u>	Renewed MOTION for Summary Judgment by COURAGE CAMPAIGN INSTITUTE, STORY OF STUFF PROJECT (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Michael O'Heaney with Exhibits, # <u>3</u> Declaration of Zachary Marker with Exhibits A & B, # <u>4</u> Exhibit C D & E to Declaration of Zachary Marker, # <u>5</u> Exhibit F & G to Declaration of Zachary Marker, # <u>6</u> Exhibit H Part 1 to Declaration of Zachary Marker, # <u>7</u> Exhibit H Part 2 to Declaration of Zachary Marker, # <u>8</u> Exhibit I & J to Declaration of Zachary Marker, # <u>9</u> Memorandum in Support, # <u>10</u> Text of Proposed Order)(Kenna, Matt) . (Entered: 01/11/2019)
01/11/2019	<u>33</u>	Memorandum in opposition to re <u>31</u> MOTION for Summary Judgment filed by COURAGE CAMPAIGN INSTITUTE, STORY OF STUFF PROJECT. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Michael O'Heaney with Exhibits, # <u>3</u> Declaration of Zachary Marker with Exhibits A & B, # <u>4</u> Exhibit C D & E to Declaration of Zachary Marker, # <u>5</u> Exhibit F & G to Declaration of Zachary Marker, # <u>6</u> Exhibit H Part 1 to Declaration of Zachary Marker, # <u>7</u> Exhibit H Part 2 to Declaration of Zachary Marker, # <u>8</u> Exhibit I & J to Declaration of Zachary Marker, # <u>9</u> Text of Proposed Order)(Kenna, Matt) (Entered: 01/11/2019)

01/29/2019	<u>34</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>31</u> MOTION for Summary Judgment , <u>32</u> MOTION for Summary Judgment by UNITED STATES FOREST SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Nebeker, William) (Entered: 01/29/2019)
01/30/2019		MINUTE ORDER granting <u>34</u> Defendant's Unopposed Motion for Enlargement of Time. The schedule for further proceedings in this matter is now as follows: (1) Defendant's Reply in Support of Summary Judgment and Opposition to Plaintiffs' Cross-Motion for Summary Judgment is due on or before February 19, 2019; and (2) Plaintiffs' Reply in Support of their Cross-Motion for Summary Judgment is due on or before March 5, 2019. Signed by Judge Amit P. Mehta on 01/30/2019. (lcapm1) (Entered: 01/30/2019)
01/30/2019		Set/Reset Deadlines: Defendant's Reply in Support due by 2/19/2019. Plaintiff's Reply due by 3/5/2019. (zjd) (Entered: 02/05/2019)
02/19/2019	<u>35</u>	REPLY to opposition to motion re <u>31</u> MOTION for Summary Judgment filed by UNITED STATES FOREST SERVICE. (Attachments: # <u>1</u> Declaration 3d Lawrence Decl., # <u>2</u> Declaration 3d Rush Decl., # <u>3</u> Text of Proposed Order)(Nebeker, William) (Entered: 02/19/2019)
02/19/2019	<u>36</u>	MEMORANDUM in OPPOSITION re <u>32</u> Renewed MOTION for Summary Judgment (<i>same as ECF No. 35</i>) filed by UNITED STATES FOREST SERVICE. (Attachments: # <u>1</u> Declaration 3d Lawrence Decl., # <u>2</u> Declaration 3d Rush Decl., # <u>3</u> Text of Proposed Order)(Nebeker, William) Modified on 2/21/2019 to correct docket event/text (jf) (Entered: 02/19/2019)
03/05/2019	<u>37</u>	REPLY to opposition to motion re <u>32</u> MOTION for Summary Judgment filed by COURAGE CAMPAIGN INSTITUTE, STORY OF STUFF PROJECT. (Attachments: # <u>1</u> Declaration Declaration of Rachel S. Doughty)(Doughty, Rachel) (Entered: 03/05/2019)
08/06/2019		Set/Reset Hearings: Status Conference set for 8/28/2019 at 9:00 AM in Courtroom 10 before Judge Amit P. Mehta. (zjd) (Entered: 08/06/2019)
08/09/2019	<u>38</u>	MOTION for Leave to Appear by Telephone by COURAGE CAMPAIGN INSTITUTE, STORY OF STUFF PROJECT (Doughty, Rachel) (Entered: 08/09/2019)
08/09/2019		MINUTE ORDER granting <u>38</u> Plaintiff's Unopposed Motion for Leave to Appear by Telephone. Signed by Judge Amit P. Mehta on 08/09/2019. (lcapm1) (Entered: 08/09/2019)
08/28/2019	<u>39</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by UNITED STATES FOREST SERVICE (Nebeker, William) (Entered: 08/28/2019)
08/28/2019		Minute Entry for proceedings held before Judge Amit P. Mehta: Status Conference held on 8/28/2019. Joint Status Report due by 9/10/2019. (Court Reporter: William Zaremba) (zjd) (Entered: 08/28/2019)
08/29/2019		MINUTE ORDER. Defendant shall file a Status Report by September 10, 2019, which identifies the volume of records withheld pursuant to Exemptions 4 and 9 that are not covered by the order in Judge McFadden's case. Defendant shall submit those records for in camera inspection, if appropriate. Additionally, by September 10, 2019, Defendant shall certify that it has produced all portions of records previously withheld in this case pursuant to Exemption 6. Signed by Judge Amit P. Mehta on 08/29/2019. (lcapm1) (Entered: 08/29/2019)
09/10/2019	<u>40</u>	STATUS REPORT <i>And Certification</i> by UNITED STATES FOREST SERVICE. (Attachments: # <u>1</u> Declaration Certification, # <u>2</u> Declaration Attachment A)(Nebeker, William) (Entered: 09/10/2019)